

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:05CR80-P-D

ANTHONY CABANISS,

DEFENDANT.

SECOND ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant's Motion for Continuance [28-1].

Upon due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for November 28, 2005. Defense counsel avers that he has several other trials previously scheduled during the month of November. Accordingly, defense counsel asks for additional time to prepare for Defendant Cabaniss's defense. The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from November 28, 2005 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant's Motion for Continuance [28-1] is hereby **GRANTED**;
- (2) Trial of this matter is continued until Monday, January 23, 2006 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

- (3) The delay from November 28, 2005 to January 23, 2006 is excluded as set out above;
- (4) The deadline for filing pretrial motions is January 2, 2006; and
- (5) The deadline for submitting a plea agreement is January 9, 2006.

SO ORDERED, this 8th day of November, A.D., 2005.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE